

STATE OF SOUTH CAROLINA)
)
COUNTY OF SALUDA)

ORDINANCE NO. 09-19

AN ORDINANCE TO ESTABLISH A UNIFORM SERVICE CHARGE FOR MOTORIZED VEHICLE USERS OF THE COUNTY ROADS OF SALUDA COUNTY, SOUTH CAROLINA.

WHEREAS, expenses for upkeep of County roads has continued to increase every year; and

WHEREAS, Saluda County has been forced to use its fund balance to balance its budget for the past few years; and

WHEREAS, Saluda County Council has after extensive study and consideration determined that it is in the best interest of the citizens and taxpayers of Saluda County, South Carolina, that an Ordinance Establishing a Road User Fee Ordinance for Saluda County, South Carolina should be enacted;

NOW, THEREFORE, IT IS RESOLVED AND ORDAINED AS FOLLOWS:

FINDINGS OF FACT:

1. There are currently in excess of three hundred fifty (350) miles of dirt and gravel roads within Saluda County, South Carolina.
2. The cost of maintaining roads is escalating at an ever accelerating rate and all funds available must be used to maintain the system in its present condition. Funds are extremely limited to implement improvements in the system.
3. The South Carolina Department of Transportation is accepting fewer roads into the State highway system.
4. The annual appropriation of "C" funds from the Department of Transportation is insufficient to impact the number of roads within Saluda County that require improvements up to State standards.
5. The State of South Carolina has for many years, through the Department of Transportation, charged motorized vehicular users fees for the use of the State highway system through the provisions of Chapter 3 of the Title 56 of the South Carolina Code of Laws.

6. Dirt and gravel roads within Saluda County are not conditioned or located for interstate or inter-county traffic. As a result, virtually all the motorized vehicular users of the roads within Saluda County are motorized vehicles licensed in Saluda County.
7. Roads within Saluda County are used by pedestrians, bicyclists, equestrians and other non-motorized vehicular users. However, motorized vehicular traffic constitutes the overwhelming majority of the use of the road system. Furthermore, motorized vehicular traffic causes practically 100% of all the wear and tear on the County road system.
8. The road system within Saluda County must be maintained and improved to a much better condition to accommodate motorized vehicular traffic, and rapidly increasing volumes of traffic throughout Saluda County, especially on major roads and thoroughfares.
9. Improvements of the road system within Saluda County bestows a specific benefit on motorized vehicular users not enjoyed by the non-owning members of the general public by reason of the above.
10. The use of general tax revenues to construct and maintain roads within Saluda County has resulted in placing on property owners, including non-residents, non-users, and non-owners, the entire cost of maintaining roads through ad valorem property taxes on all taxable property in the County.
11. Counties are specifically mandated “to assess....uniform service charges...and make appropriations for...roads...” by ‘4-9-30(5) of the South Carolina Code of Laws, 1976, as amended (“The Home Rule Act”).
12. The health, order, general welfare, and convenience of the County will be served by the enactment of this ordinance.
13. Certain classes of automobiles owners should be exempted from the provisions of this ordinance. County Council determines that the exemptions from ad valorem taxes provided for by 12-37-220 S.C. Code Ann (1990 Com. Supp.) should apply to the road user fee required to be paid by this ordinance.

In order to implement the legislative intent of Saluda County Council based on the above, findings of fact, it is ordained as follows:

- a. The owners of every wheeled and titled vehicle, except duly licensed and registered mobile home, required to be registered and licensed in Saluda County by the South Carolina Department of Transportation, shall pay annually to the Saluda County Treasurer, a road user fee based of Twenty-Five (\$25.00) Dollars.
- b. The road user fee shall be included on vehicle property tax notices in such manner and method as determined by the Saluda County Director and collected by the County Tax Collector pursuant to State law. The road user fee shall be due, payable and collected in the same manner as vehicle property taxes and shall be subject to the same penalties and interest as overdue real property taxes.

- c. The proceeds from the collection of such fees shall be deposited in a fund to be administered by the Saluda County Director, who shall maintain a separate accounting of funds collected. The proceeds of such fund, together with any investment income earned thereon, must be used solely and exclusively for the construction and improvement of roads within Saluda County, related drainage or parking lots and any other related needs required for the general public's access to publicly owned facilities. Funds not used in any fiscal year shall be carried forward and used exclusively for the construction and improvement of roads within Saluda County and related drainage.
- d. Funds derived from the road user fee shall be used exclusively for improving roads and streets, which are not a part of the State or Federal road system, except as may be coordinated in conjunction with the use of other State or Federal funds, upon specific approval of County Council
- e. Exemptions:
 1. The owner of any vehicle that would be exempt from ad valorem taxes pursuant to 12-37-220 S.C. Ann (1990 Cum Supp.) shall be exempt from the provisions of the ordinance.

Should a court of competent jurisdiction declare any word, phrase, clause or provision of this ordinance invalid or unconstitutional, such declaration shall not affect this ordinance as a whole or any part hereof except that specific provision declared by such court to be valid or unconstitutional.

All ordinances or parts of ordinances in conflict with this ordinance or inconsistent with its provisions are hereby repealed or superseded to the extent necessary to give this ordinance full force and effect.

This ordinance shall take effect upon final approval of this ordinance.

DONE, RATIFIED, AND ADOPTED THIS _____ OF _____ 2019.

J. Frank Daniel, Sr.
Vice-Chairman
Saluda County Council

Attest:

Karen T. Whittle
Clerk to Council

This Ordinance has been reviewed by me and is hereby approved as to form and legality.

Christian G. Spradley
Saluda County Attorney

First Reading Date: November 11, 2019
Public Hearing Date: December 2, 2019
Second Reading Date: December 2, 2019
Third Reading Date: